HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No. 15881 of 2005

Between:

Korrapati Pattabhi Rama Rao

... Petitioner

And

TheDharmajigudem Grampanchayat,
Dharmajigudem, Lingapalem Mandal,
West Godavari District,
Rep. by its Village Secretary

... Respondent

:: O R D E R ::

Counsel for the petitioner : Shri G. Vivekanand

September 3, 2007

This petition is filed for a writ of mandamus to set aside the notice dated 04.07.2005 issued by the Village Secretary, Dharmajigudem Grampanchayat, Lingapalem Mandal, West Godavari District.

From the averments contained in the affidavit filed in support of the writ petition, it is evident that the respondent-gram panchayat had issued notice to the petitioner requiring him to explain as to why he shall not be asked not to keep the live chicken in his business premises. Evidently to one such notice,

the petitioner sent his representation on 30.04.2005. However, the Panchayat Secretary, on behalf of the respondent, again issued notice dated 04.07.2005, whereby the petitioner was called upon to submit his explanation against the proposed action of preventing him from keeping the live chicks in his premises near the main road in the respondent-gram panchayat area. Assailing the said notice, the present writ petition has been filed.

Learned counsel for the petitioner submitted that the petitioner has licence to carry on the trade of selling chicken meat and that it is not possible for him to conduct the business without keeping the live chicks in the premises.

The respondent has not filed any counter-affidavit nor is there any representation

on its behalf at the hearing.

As has already been noted, notice dated 04.07.2005 issued by the respondent-gram panchayat is questioned in this writ petition. Learned counsel for the petitioner admitted that though to the earlier notices, the petitioner had submitted explanation, no such explanation has been submitted in response to the impugned notice. He, however, submitted that in view of the interim order passed by this Court on 20.07.2005, the petitioner is carrying on the business without any interference by the respondent-gram panchayat. Inasmuch as the petitioner filed this writ petition without submitting explanation to the impugned notice, I am of the considered view that the writ petition is premature. In the event of the petitioner filing his explanation and the respondent passing an adverse order, it shall be open to the petitioner to avail appropriate remedy.

For the aforementioned reasons, the writ petition is disposed of with liberty to the petitioner to file his explanation to the notice dated 04.07.2005 issued by the respondent. On receiving the explanation to be filed by the petitioner, within two weeks from today, the respondent shall consider and dispose of the same. Till then, the respondent shall not interfere with the business of the petitioner.

C.V. NAGARJUNA REDDY, J

September 3, 2007
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